



Issuance Date: August 16, 2004

Effective Date: July 1, 2005

Expiration Date: June 30, 2010

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA0040827

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7600

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.
authorizes

Puget Sound Energy
P.O. Box 97034
Bellevue, WA 98009

Facility Location:

Jackson Prairie Gas Storage Facility
239 Zandecki Road
Chehalis, WA 98532

Receiving Water

Cowlitz River

Water Body I.D. No.: WA-26-1090

Discharge Location: Cowlitz River

Latitude: 46° 27' 50" N

Longitude: 122° 45' 50" W

Discharge Location: Injection Well

Latitude: 46° 32' 10" N

Longitude: 122° 51' 00" W

1240 feet from the East Line, 1414 feet from the
South Line, Section 7, Township 12 North, Range 1
West, WPM

Industry Type:

Natural Gas Distribution and Storage
SIC Code #4922

A NPDES minor facility.

to discharge wastewater in accordance with the special and general conditions that follow.

Kelly Susewind, P.E.
Southwest Region Manager
Water Quality Program
Washington State Department of Ecology

TABLE OF CONTENTS

	<u>Page</u>
SUMMARY OF PERMIT REPORT SUBMITTALS	4
SPECIAL CONDITIONS	
S1. DISCHARGE LIMITATIONS	5
A. Process Wastewater Discharges	
S2. MONITORING REQUIREMENTS	6
A. Monitoring Schedule, Discharge to Cowlitz River	
B. Underground Injection Monitoring	
C. Formation Monitoring – Post Injection	
D. Injection Water Monitoring	
E. Monitoring Associated with Collection Pond Monitoring Wells	
F. Monitoring Associated with Monitoring Well Downgradient from Well SU-909	
G. Sampling and Analytical Procedures	
H. Flow Measurement	
I. Laboratory Accreditation	
S3. REPORTING AND RECORDKEEPING REQUIREMENTS	11
A. Reporting	
B. Records Retention	
C. Recording of Results	
D. Additional Monitoring by the Permittee	
E. Noncompliance Notification	
S4. Class II well Construction and Operation Requirements	12
A. Construction Requirements	
B. Mechanical Integrity	
C. Well Failures	
D. Plugging and Abandonment	
S5. OPERATION AND MAINTENANCE	13
A. Bypass Procedures	
S6. SPILL PLAN	15

GENERAL CONDITIONS

G1.	SIGNATORY REQUIREMENTS.....	16
G2.	RIGHT OF INSPECTION AND ENTRY	16
G3.	PERMIT ACTIONS	17
G4.	REPORTING PLANNED CHANGES.....	18
G5.	PLAN REVIEW REQUIRED	18
G6.	COMPLIANCE WITH OTHER LAWS AND STATUTES.....	18
G7.	DUTY TO REAPPLY	19
G8.	TRANSFER OF THIS PERMIT	19
G9.	REDUCED PRODUCTION FOR COMPLIANCE	19
G10.	REMOVED SUBSTANCES	19
G11.	duty to provide information	20
G12.	OTHER REQUIREMENTS OF 40 CFR.....	20
G13.	ADDITIONAL MONITORING	20
G14.	PAYMENT OF FEES.....	20
G15.	PENALTIES FOR VIOLATING PERMIT CONDITIONS.....	20
G16.	UPSET	20
G17.	PROPERTY RIGHTS.....	21
G18.	DUTY TO COMPLY	21
G19.	TOXIC POLLUTANTS.....	21
G20.	PENALTIES FOR TAMPERING	21
G21.	REPORTING ANTICIPATED NON-COMPLIANCE.....	21
G22.	REPORTING OTHER INFORMATION	21
G23.	REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS	22
G24.	COMPLIANCE SCHEDULES	22

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S2.C	Summarized Results of Pre-injection Study	1/permit cycle	Within 30 days following end of study
S3.	Discharge Monitoring Report	Monthly	August 15, 2005
S4.B	Advance Notification of Mechanical Integrity Test	At least 2/permit cycle	Prior to use of well SU-909
S4.B	Results of Mechanical Integrity Test	At least 2/permit cycle	30 Days After Test
S4.	Report Conversion or Abandonment	As necessary	45 days After Conversion or Abandonment.
S5.	Spill Plan Update	1/Permit Cycle	January 2, 2005
G1.	Notice of Change in Authorization	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	January 2, 2009

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Process Wastewater Discharges

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge saline water at the permitted locations subject to meeting the following limitations:

COWLITZ RIVER

	DISCHARGE LIMITATIONS
Parameter	Maximum Daily ^b
Flow	2,200,000 Gallons per Day
^b The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.	

INJECTION WELL

	DISCHARGE LIMITATIONS	
Parameter	Maximum Instantaneous	Maximum Daily ^b
Flow	N/A	499, 000 gallons per day
Wellhead SU-909 Wellhead pressure	800 pounds per square inch	N/A
^b The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.		

B. Specific Prohibitions, Injection Well

1. The pressure during injection shall not initiate fractures to the confining Zones 2-9.
2. The injected wastewater shall not migrate into any underground source of drinking water (USDW) as defined in 40 CFR 144.3.

3. Formation fluids shall not be displaced into any USDW as a result of wastewater injection.
4. Injection between the outer most casing protecting any USDW and the well bore is prohibited.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule, Discharge to Cowlitz River

The Permittee shall monitor the wastewater discharge according to the following schedule:

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Flow	GPD	Recording Meter	Continuous when Discharging	Metered

B. Underground Injection Monitoring

The Permittee shall monitor wastewater injection according to the following schedule:

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Flow	Total gallons	Well SU-909 Wellhead	1/day (Total for 24 hour period) After start of injection. (see S.3.B)	Measurement-Continuous Recorder
Wellhead injection pressure	Pounds per square inch, (psi)	Well SU-909 Wellhead	1/day (Maximum for 24 hour period)	Measurement-Continuous Recorder
Casing pressure	Pounds per square inch, (psi)	Well SU-909 Wellhead	1/day (Maximum for 24 hour period)	Measurement-Continuous Recorder
Monthly Cumulative Volume of Injected Wastewater	Million gallons	Well SU-909 Wellhead	1/day After start of injection. (see S.3.B)	Measurement-Continuous Recorder
Bottom Hole Pressure	Pounds per square inch, (psi)	Well SU-909 Wellhead	1/month After start of injection. (see S.3.B)	Calculation (see S2.C)

C. Formation Monitoring – Post Injection

The Permittee shall monitor the bottom hole pressure at well SU-904 according to the following schedule. Calculations shall be based on a depth of 2300 feet (top of Zone 2) and use either fluid level in the well plus well head pressure.

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Bottom Hole Pressure	psi	Well SU – 904	1/Month After start of injection (see S.3.B.)	Measurement/ Calculation

D. Injection Water Monitoring

The Permittee shall monitor wastewater injection according to the following schedule:

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
pH	S.U.	Injection Well SU-909 Wellhead	Quarterly ^a	Grab
Conductivity	microohms/cm	Injection Well SU-909 Wellhead	Quarterly ^a	Grab
Total Dissolved Solids	mg/L	Injection Well SU-909 Wellhead	Quarterly ^a	Grab
Total Solids	mg/L	Injection Well SU-909 Wellhead	Quarterly ^a	Grab
Sodium	mg/L	Injection Well SU-909 Wellhead	Quarterly ^a	Grab
Chloride	mg/L	Injection Well SU-909 Wellhead	Quarterly ^a	Grab
Turbidity	NTU	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Color	S.U.	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Total Hardness	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Total Alkalinity	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Calcium	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Magnesium	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Potassium	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Iron (total)	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Aluminum	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Sulfate	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Nitrate	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Arsenic	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Fluoride	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Mercury	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Cadmium	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Lead	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Zinc	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
Manganese	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Silica	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
BTEX	mg/L	Injection Well SU-909 Wellhead	Yearly ^b After start of injection (S.3.B)	Grab
^a Quarterly monitoring periods shall be January through March, April through June, July through September, and October through December.				
^b Yearly monitoring periods shall be from January through December.				

E. Monitoring Associated with Collection Pond Monitoring Wells

Following installation of the monitoring wells in the freshwater aquifer up-gradient and down-gradient from the collection pond, each well shall be sampled according to the following schedule:

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Total Dissolved Solids	mg/L	Pond Monitoring Wellhead	1/quarter ^a	Grab
Chloride	mg/L	Pond Monitoring Wellhead	1/quarter ^a	Grab
Sodium	mg/L	Pond Monitoring Wellhead	1/quarter ^a	Grab
BTEX	mg/L	Pond Monitoring Wellhead	1/quarter ^a	Grab
Conductivity	microohms/cm	Pond Monitoring Wellhead	1/quarter ^a	Grab
^a Quarterly monitoring periods shall be January through March, April through June, July through September, and October through December.				

F. Monitoring Associated with Monitoring Well Downgradient from Well SU-909

Following installation of the monitoring well down-gradient from the injection well (SU-909), the well shall be sampled according to the following schedule:

Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Total Dissolved Solids	mg/L	Injection Well Monitoring Wellhead	Yearly ^a	Grab
Chloride	mg/L	Injection Well Monitoring Wellhead	Yearly ^b	Grab
Sodium	mg/L	Injection Well Monitoring Wellhead	Yearly ^a	Grab
Conductivity	microohms /cm	Injection Well Monitoring Wellhead	Yearly ^a	Grab
^a Yearly monitoring periods shall be from January through December.				

G. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

H. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

I. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or

accredited. Crops, soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by the Department.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring results obtained during the previous monitoring period shall be reported on the discharge monitoring forms as provided, or otherwise approved, by the Department, and be postmarked or received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report shall be sent to the Department of Ecology, Southwest Regional Office -Water Quality, P. O. Box 47775, Olympia, WA 98504-7775.

All lab reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), lab practical quantitation limit (PQL), reporting units and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, submit the forms as required with the words "no discharge" entered in place of the monitoring results.

Prior to the start of injection, submit the forms associated with injection and check the box labeled "Injection has not begun" near the top right side of the forms, after injection, enter the monitoring information as required.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem and, if applicable, repeat sampling and analysis of any violation immediately and submit the results to the Department within 30 days after becoming aware of the violation;
2. Immediately notify the Department of the failure to comply; and
3. Submit a detailed written report to the Department within thirty days (five days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. CLASS II WELL CONSTRUCTION AND OPERATION REQUIREMENTS

A. Construction Requirements

Injection well SU-909 shall be completed to prevent movement of fluid into or between underground sources of drinking water. To achieve this, the Permittee shall, at a minimum, follow the procedures described in section "M. Construction Details" of the permit application attachments.

B. Mechanical Integrity

A mechanical integrity test, as described in 40 CFR 146.8, shall be conducted on injection well SU-909:

1. Prior to its use and at least once in the final year of the permit and prior to permit renewal once injection has begun.
2. Whenever protective casing or tubing is removed from the well.
3. Whenever the packer is resealed.
4. After the well has been repaired following well failure, as described in S6.C.

To provide the Department the opportunity to witness any mechanical integrity test, the Permittee shall notify the Department when a test is planned. This notification shall be as much in advance as practicable but not less than 72 hours.

The results of mechanical integrity tests shall be reported to the Department within 30 days of the test and shall include a description of the test and the method used.

C. Well Failures

This permit requires the casing pressure at injection well SU-909 to be monitored and recorded daily. If pressure on the production casing indicates a leak in the injection tubing string, all injection of wastewaters shall be immediately stopped. Prior to further injection into the well, the leak shall be located and fixed.

D. Plugging and Abandonment

The Permittee shall maintain financial responsibility and resources to close, plug, and abandon the injection well as required by 40 CFR 144.52 (a)(7).

The Permittee shall notify the Department at least 45 days before conversion or abandonment of the injection well.

S5. OPERATION AND MAINTENANCE

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

A. Bypass Procedures

The Permittee shall immediately notify the Department of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass -- Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit the Permittee shall notify the Department in accordance with condition S3.E "Noncompliance Notification."

2. Anticipated Bypass That Has the Potential to Violate Permit Limits or Conditions -- Bypass is authorized by an administrative order issued by the Department. The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) if a water quality criteria exceedence is unavoidable, a request for modification of water quality standards as provided for in WAC 173-201A-110, and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

3. Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions -- Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, or adversely impact public health as determined by the Department prior to the bypass.

S6. SPILL PLAN

The Permittee shall by January 2, 2005, submit to the Department an update to the existing Spill Control Plan.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:
 - 1. A material change in the condition of the waters of the state.
 - 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 - 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as

required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G22. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G23. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
 - 1. One hundred micrograms per liter (100 µg/l).
 - 2. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - 3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - 4. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
 - 1. Five hundred micrograms per liter (500µg/L).
 - 2. One milligram per liter (1 mg/L) for antimony.
 - 3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - 4. The level established by the Director in accordance with 40 CFR 122.44(f).

G24. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.